



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

FEDERAL EXPRESS

OCT 22 2009

Mr. Brett Miller
Facilities Manager Mid-Atlantic Region
International Petroleum Corporation of Delaware
505 South Market Street
Wilmington, DE 19801

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by International Petroleum Corporation of Delaware.

Information Request – Reference No. C10-002
EPA ID No. DED984073692

Dear Mr. Miller:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained by EPA during the inspection of International Petroleum Corporation of Delaware (herein after "IPC" or "Facility") located in Wilmington, DE on July 23, 2009. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes . . ." EPA hereby requires that you furnish to EPA, **within thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original and the date the document became effective at the Facility.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

***Please note, EPA is aware that IPC was purchased from Siemens Water Technologies in March 2008. If IPC is unable to provide the requested documentation for any of the following questions, below, please provide the name and contact information for a representative of Siemens Water Technologies.*

1. Mr. Tim Ford, Branch Manager, indicated during EPA's July 23, 2009 CEI that IPC accepts used oil filters from its customers. With respect to the used oil filters managed by the Facility, please answer the following:
 - a. What types (i.e., terne plated /non-terne plated) of used oil filters does IPC accept?
 - b. If the used oil filters accepted by IPC are solely non-terne plated filters, have such filters been gravity hot drained by the generator using one of the methods listed in 40 CFR § 261.4(b)(13)?

- c. Mr. Ford informed the inspectors that IPC manages the used oil filters it accepts from its customers as "Used Oil" under 40 CFR Part 279. Please explain the Facility's rationale for managing such filters as "Used Oil" under 40 CFR Part 279 versus taking advantage of the exclusions set forth in 40 CFR § 261.4(b)(13) for non-terne plated filters and 40 CFR § 261.6(a)(3)(ii) for scrap metal.
 - d. Please provide a detailed description of how IPC handles used oil filters from the time they arrive to the Facility until they are shipped off-site. Be sure to include the types of containers such filters are accumulated in while on-site, an explanation of how such filters are processed by the Facility, and how such filters are consolidated for off-site shipment.
 - e. Please provide the name, location, and contact person information for each of the facilities where IPC sends its used oil filters.
 - f. Are the used oil filters shipped off-site for recycling or disposal? If such filters are shipped off-site for recycling, please explain how and for what purpose such filters are being recycled.
 - g. Please submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of used oil filters from IPC for the time period of October 2008 up to the present.
2. During inspection of the Facility's used oil container storage area designated as "Wilmington Barrels Only," the inspectors observed an open 55-gallon drum that contained used oil filters. Please refer to Photograph 14 of the Photographic Log, included as Attachment A. With respect to this container, please answer the following:
- a. What types (i.e., terne plated /non-terne plated) of used oil filters were being accumulated in this container?
 - b. If the used oil filters were solely non-terne plated filters, were such filters gravity hot drained by the generator using one of the methods listed in 40 CFR § 261.4(b)(13)?
 - c. Mr. Ford informed the inspectors that IPC manages the used oil filters it accepts from its customers as "Used Oil" under 40 CFR Part 279. Did the Facility consider the used oil filters in this container to be "Used Oil" as that term is defined in 40 CFR § 279.1? If so, please explain the Facility's rationale for determining such filters to be "Used Oil" under 40 CFR Part 279 versus taking advantage of the exclusions set forth in 40 CFR § 261.4(b)(13) for non-terne plated filters and 40 CFR § 261.6(a)(3)(ii) for scrap metal.

- d. Were the used oil filters in this container shipped off-site for recycling or disposal? If such filters were shipped off-site for recycling, please explain how and for what purpose such filters were being recycled.
 - e. Please submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of the used oil filters in this container.
3. In the used oil container accumulation area designated "Wilmington Barrels Only," the inspectors observed approximately 40 55-gallon drums. Please refer to Photographs 6-14, attached hereto. Due to the arrangement of such containers, the inspectors were unable to inspect all of them. However, of the containers that were inspected, the inspectors noted that a number of the drums were not labeled with the words "Used Oil." With respect to the containers being accumulated in the "Wilmington Barrels Only" area at the time of EPA's July 2009 CEI, please answer the following:
- a. There were a number of 55-gallon drums labeled "Dolphin - Penn 121," "Labrador Sea," "Penn 90," "Java Sea/K-Sea," and "Amberjack." These drums were not labeled with the words "Used Oil." Mr. Ford indicated that such drums contained bilge water and he provided Service Order 3111763, signed by the transporter (IPC) on 7/16/09, that shows 17 of the drums were generated by Penn Maritime, Inc. located in Staten Island, NY. Mr. Ford also provided Service Order 3111764, signed by the transporter (IPC) on 7/16/09, that shows 6 of the drums were generated by K Sea located in Philadelphia, PA.
- Therefore, it is EPA's understanding that 23 of the 55-gallon drums being accumulated in the "Wilmington Barrels Only" area during EPA's July 2009 CEI contained bilge water. If EPA's understanding is incorrect, please: a) indicate which statement(s) is/are inaccurate; b) describe in detail your reasons as to why any such statement is inaccurate; and, c) provide documentation supporting any assertion of inaccuracy.
- b. For the remaining approximately 17 55-gallon drums, some of which were labeled "oily waste & filers," "oily pigs," and "used oil filters," please identify the contents of such containers and provide any supporting documentation.
 - c. Did the contents in each of the drums being accumulated in the "Wilmington Barrels Only" area meet the definition of "used oil" as that term is defined in 40 CFR § 279.1? If not, for each such drum whose contents did not meet the definition of "used oil," please provide the following information:
 - i. Please provide the generator name and contact information for each such container.

- ii. Please provide a detailed description of the material in each such container and how such material is excluded, exempt, or regulated under 40 CFR Parts 260 through 279.
 - iii. State the date on which the material in each such container was shipped off-site from IPC and submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied such off-site shipments.
 - d. Have the contents in each of these containers been processed by IPC or shipped off-site? If so, please state the date on which the contents in each of these containers was processed by IPC or shipped off-site. For those containers that were shipped off-site, please submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied such off-site shipments.
4. In the used oil container accumulation area designated "Bayonne Barrels Only," the inspectors observed 30 55-gallon drums. Please refer to Photographs 15 and 16, attached hereto. Mr. Ford indicated that these drums contained used oil filters, oily water or oily absorbent material. Due to the arrangement of such containers, the inspectors were unable to inspect all of them. However, of the containers that were inspected, the inspectors noted that at least three of the drums were not labeled with the words "Used Oil." With respect to the containers being accumulated in the "Bayonne Barrels Only" area at the time of EPA's July 2009 CEI, please answer the following:
- a. Did the contents in each of the drums being accumulated in the "Bayonne Barrels Only" area meet the definition of "used oil" as that term is defined in 40 CFR § 279.1? If not, for each such drum whose contents did not meet the definition of "used oil," please provide the following information:
 - i. Please provide the generator name and contact information for each such container.
 - ii. Please provide a detailed description of the material in each such container and how such material is excluded, exempt, or regulated under 40 CFR Parts 260 through 279.
 - iii. State the date on which the material in each such container was shipped off-site from IPC and submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied such off-site shipments.
 - b. Have the contents in each of these containers been processed by IPC or shipped off-site? If so, please state the date on which the contents in each of these

containers was processed by IPC or shipped off-site. For those containers that were shipped off-site, please submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied such off-site shipments.

5. Outside of the Facility's old maintenance shop, the inspectors observed two groupings of containers. The first grouping consisted of 24 containers, 14 of which were open. Please refer to Photographs 17-31, attached hereto. The second grouping consisted of 10 containers. Please refer to Photograph 32, attached hereto. With respect to each of the containers depicted in Photographs 17-32, excluding the six 30-gallon parts washer drums depicted in Photographs 20 and 29-32, please answer the following:
- a. Were the contents in each of these containers generated by IPC or one of IPC's customers?
 - b. If the contents in either of these containers were generated by one of IPC's customers, please provide the name and contact information for the generator facility.
 - c. Please identify the contents in each container.
 - d. Provide a detailed description of the process or processes that generated the contents in each container.
 - e. Did the contents in any of the containers meet the definition of a "hazardous waste" as that term is defined in 40 CFR § 261.3 or the definition of "used oil" as that term is defined in 40 CFR § 279.1? If so, please answer the following questions:
 - i. Identify which drums contained a hazardous waste and which drums contained used oil.
 - ii. For each drum that contained a hazardous waste, please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste.
 - f. Please state the date on which the contents in each container were either processed at the Facility or shipped off-site. If the contents in each container have not been processed or shipped off-site, please provide an explanation as to why the contents of such container(s) still remain on-site and what the Facility plans to do with such container(s).

- g. Submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of each of these containers.

6. During discussions with Mr. Ford, the inspectors were informed of the parts washer service offered by IPC to its customers. According to Mr. Ford, the spent solvents accepted by IPC from its customers are sold to a roofing tile manufacturer who uses the spent solvents to manufacture roof lapping compound. With respect to the Facility's parts washer service, please answer the following:

- a. Please provide a detailed description on the Facility's parts washer service that explains the events that take place from the time IPC receives virgin parts washer solvent until IPC ships spent parts washer solvent off-site.
- b. Does IPC maintain a change-out schedule for when its customers' solvent should be replaced or are IPC's customers responsible for contacting IPC when their solvent needs to be changed-out?
- c. What criteria does the spent solvent need to meet before such solvent will be accepted by IPC for reuse?
- d. In those instances where IPC inadvertently accepts spent solvent that cannot be reused, please explain in detail IPC's process for managing such solvent.
- e. How does IPC keep track of who generates each drum of spent solvent accepted by IPC for reuse?

7. Outside of the Facility's old maintenance shop, the inspectors observed six 35-gallon parts washer drums. Please refer to Photographs 20 and 29-32, attached hereto. With respect to each of these six containers, please answer the following:

- a. Were the contents of these containers generated by IPC or one of IPC's parts washer customers?
- b. If the contents in either of these containers were generated by IPC, please provide a detailed description of the process or processes that generated the contents in each such container.
- c. If the contents in either of these containers were generated by one or more of IPC's parts washer customers, please answer the following:
 - i. Provide the generator name and contact information.
 - ii. State the date on which the contents in each such container were accepted by IPC. If the exact date is unknown, please provide an estimation of the time (month/year) and the basis of your knowledge.

- iii. Submit copies of any and all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied such containers from the generating facility to IPC.
 - d. State whether or not a "waste determination" and "LDR determination" were made for the contents in each of these containers.
 - e. If a "waste determination" and "LDR determination" were made for the contents in each of these containers, state when such determinations were made.
 - f. Was the waste in any of these containers determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste.
 - g. If a hazardous waste determination was made for the contents in each of these containers, state whether the hazardous waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation, including, but not limited to, a MSDS for each of the materials used in the process generating such waste.
 - h. Was IPC conducting weekly inspections of the six 30-gallon parts washer containers from the time they arrived to the Facility until they were shipped off-site? If so, please state the name of the person(s) who conducted the inspections and submit copies of all corresponding weekly inspection logs.
 - i. Please state the date on which the contents in each of these containers were shipped off-site from IPC and submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of each container waste.
8. During inspection of the Facility's old maintenance shop and storage area, the inspectors observed a number of used lamps. Please refer to Photographs 37-43, attached hereto. Some of the used lamps observed were not contained in packages or containers. Additionally, the containers and packages of used lamps observed were open and completely unlabeled or improperly labeled. With respect to the Facility's used lamp waste stream, please answer the following:
- a. Provide the name of the manufacturer and the model number of each electric lamp utilized by the Facility for the time period of January 1, 2005 up to the present. Electric lamps include, but are not limited to, fluorescent, high pressure sodium, halogen and mercury-vapor.

- b. State whether a waste determination has been conducted for each type of used lamp generated by the Facility for the time period of January 1, 2005 up to the present. If so, please answer the following:
- i. Provide the results of each waste determination performed or relied upon by the Facility for the purpose of managing and disposing of the Facility's used lamp waste stream.
 - ii. Include all information on which such waste determinations were based including, but not limited to, knowledge of the hazardous characteristics of the waste, Material Safety Data Sheets (MSDSs), results of chemical or physical analyses, and any other information used to make such waste determination.
 - iii. State the Facility's rationale for determining which used lamps are/were hazardous and which are/were non-hazardous.
- c. Provide the name, address, telephone number and a contact person for each of the destination facilities, such as landfills and used lamp recyclers, to which used lamps are/were sent for the time period of January 1, 2005 up to the present.
- d. With respect to the used lamps observed during EPA's July 2009 CEI, have such lamps been shipped off-site? If so, please provide 1) the date on which such lamps were shipped off-site and 2) the name of the designated facility that received such lamps.
- e. Submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices that accompanied the off-site shipment of the Facility's used lamp waste stream for the time period of January 1, 2005 up to the present.
9. Please submit copies of all hazardous waste manifests retained by the Facility for the off-site shipments of hazardous waste that occurred during the time period of January 1, 2005 up to the present.
10. Please submit copies of all LDR notification forms retained by the Facility for the off-site shipments of hazardous waste that occurred during the time period of January 1, 2005 up to the present.
11. During review of the Facility's contingency plan, the inspectors noted that the list of emergency equipment did not include a brief outline of such equipments' capabilities as required by 40 CFR § 265.52(e). Subsequent to the CEI, did the Facility update its contingency plan to include a brief outline of the Facility's emergency equipment capabilities? If so, please state the date such updates were made and submit a copy of such updates.

12. Mr. Ford indicated during a review of the Facility's hazardous waste training program that he is responsible for providing initial and annual refresher training to those employees who are responsible for the management of hazardous waste. However, the inspectors were informed that Mr. Ford himself has not received annual hazardous waste management training for at least the past three years. If EPA's understanding of Mr. Ford's not receiving annual hazardous waste training for at least the past three years is incorrect, please provide all supporting documentation the Facility has to show Mr. Ford has indeed received the required annual hazardous waste training as set forth in 40 CFR § 265.16(a), (b) and (c).

A copy of the July 23, 2009 CEI report, excluding the attachments, has been included with this information request as Attachment B.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed as Attachment C, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.


Signature: _____
Name: _____
Title: _____

Please send, or otherwise ensure delivery of the requested information to:

Ms. Jeanna R. Henry (3LC70)
Office of Land Enforcement
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Ms. Jeanna R. Henry at (215) 814-2820.

Sincerely,



Carol Amend, Chief
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: J. Henry (3LC70)
T. DiFiore (3LC70)
AJ D'Angelo (3RC30)

FedEx **US AIRBILL**
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Number

8673 7918 2279

1 From *Please print and print hard.*

Date 10/22/09 Sender's FedEx Account Number 1509-0196-0

Sender's Name Seanna Henry Phone (215) 814-5151

Company EPA

Address 1650 ARCH ST 31C70

City PHILADELPHIA State PA ZIP 19103-2029

2 Your Internal Billing Reference

First 24 characters will appear on invoice.

OPTIONAL

3 To

Recipient's Name Brett Miller Phone (302) 421-9306

Company International Petroleum Corp.

Recipient's Address FCC Environmental

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address 505 South Market St.

To request a package be held at a specific FedEx location, print FedEx address here.

City Wilmington State DE ZIP 19801

0390597966



Schedule a pickup at fedex.com
Simplify your shipping. Manage your account. Access all the tools you need.

Sender's Copy

4a Express Package Service

☐ FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☒ FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

☐ FedEx First Overnight
Earliest next business morning delivery to select locations.* Saturday Delivery NOT available.

☐ FedEx 2Day
Second business day.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

* To meet locations.

4b Express Freight Service

☐ FedEx 1Day Freight
Next business day.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx 2Day Freight
Second business day.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx 3Day Freight
Third business day.* Saturday Delivery NOT available.

* To meet locations.

5 Packaging

☒ FedEx Envelope* ☐ FedEx Pak* ☐ FedEx Box ☐ FedEx Tube ☐ Other

* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak. * Declared value limit \$500.

6 Special Handling

☐ SATURDAY Delivery
NOT Available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 3Day Freight.

☐ HOLD Weekday at FedEx Location
NOT Available for FedEx First Overnight.

☐ HOLD Saturday at FedEx Location
Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods?

☒ No ☐ Yes ☐ Yes ☐ Dry Ice

One box must be checked. As per attached Shipper's Declaration. Shipper's Declaration not required. Dry Ice, 9, UN 1845. Cargo Aircraft Only.

7 Payment

☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Enter FedEx Acct. No. or Credit Card No. below.

FedEx Acct. No. Exp. Date

Total Packages Total Weight Total Declared Value* \$.00

*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

8 Residential Delivery Signature Options

If you require a signature, check Direct or Indirect.

☐ No Signature Required
Package may be left without obtaining a signature for delivery.

☐ Direct Signature
Someone at recipient's address may sign for delivery. For applies.

☐ Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For applies.

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UPS RED PRIORITY

Ms. Jeanna R Henry (3LC70)
Office of Land Enforcement
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Response to Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by International Petroleum Corporation of Delaware.

Response to Information Request – Reference No. C10-002
EPA ID No. DED984073692

Dear Ms. Henry:

Please find written within and attached the requested information for Reference No. C10-002.

1.

- 1.a.** International Petroleum Corporation of Delaware (henceforth referred to as "IPC") does not dispose of collected used oil filters. IPC manages used filters as used oil for recycling purposes. We collect drums and bins of used oil filters from various generators and consolidate those filters at our Wilmington location. Once consolidated for shipment we send these filters to one of two off-site, fully permitted processor for recycling. Both processors crush the oil filters and recover the used oil, which is then sent to our used oil processing facility where it is recycled for beneficial reuse as burner fuel. The crushed and drained metal filters are then sent off by each processor to a foundry as scrap metal for further recycling.

The regulatory basis for the management of used filters and sorbents can be found below:

Used Oil Filters

Federal regulations exempt from regulation as hazardous used, scrap metal that is being recycled. Scrap metal is defined as "bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobile, railroad box cars), which when worn or superfluous can be recycled." However, that scrap metal cannot contain significant amount of liquid. All types of used oil filters and metal containing fuel filters are eligible for the scrap metal exemption from the hazardous used regulations if they meet this definition. Used oil filters are considered to not contain significant amounts of liquid once the used oil has been removed to the extent possible such that there are no visible signs of free-flowing oil. This may be accomplished by the methods specified in the regulations or by other methods that remove used oil (e.g., shredding with oil recovery). Therefore, used oil filters and fuel that have been drained to meet the regulations may be scrap metal and exempt from regulation as hazardous used when being recycled. Mixtures of fuel filters and used oil filters that have not been drained such that they contain liquid are managed under §298.10 (d) which states that mixtures of used oil and fuel or fuel products, where the resulting mixture once recovered is to be burned for energy recovery, are subject to regulation as used oil under this chapter.



International Petroleum Corporation
505 South Market Street
Wilmington, DE 19801

TELEPHONE 302-421-9306
FACSIMILE 302-421-9099

1.b. Not Applicable

1.c. Please refer to answer "1.a."

1.d. Please refer to answer "1.a."

1.e. Chesapeake Environmental Services
8464 Ardwick-Ardmore Rd
Landover, MD 20785
(301) 341-7907 phone
(301) 583-8818 fax
Contact: John Stein

Vortex Recycling
61 Riverpark Drive
New Castle, PA 16101
(724) 657-0333 phone
(724) 657-3337 fax
Contact: John Greer

1.f. Please refer to answer "1.a."

1.g. All filters are picked up F.O.B. in Wilmington by the respective off-site facility. As such, all Bills of Lading are maintained by the respective recycling company. We have attached our invoices for each organization going back to October, 2008.

2.

2.a. Automotive, Spin-on oil filters. All non-terne plated.

2.b. Please refer to answer "1.a."

2.c. Please refer to answer "1.a."

2.d. Please refer to answer "1.a."

2.e. Used oil filters were consolidated in Vortex Recycling containers ("hoppers"), and shipped out on August 6th, 2009. Please find attached the August 6th, 2009 invoice for Vortex Recycling in New Castle, PA (contact information in section 1.e.).

3.

- 3.a.** The barrels in question were as noted and contained a used oil and fuel mixture designated as "bilge water".
- 3.b.** All of the materials, for purposes of waste management, were considered used oil. See attached Drum log dated 07/28/2009.
- 3.c.** The materials in question met the definition of used oil as defined by 40 CFR § 279.1
- I.** not applicable
 - II.** not applicable
 - III.** not applicable
- 3.d.** Those materials classified as used oil filters were managed as described in section 1.a., and consolidated into containers and shipped to Vortex on August 6th, 2009. With regards to those drums containing oily pigs / oily rags; those materials were processed as used oil on site.

4.

- 4.a.** The materials in question met the definition of used oil as defined by 40 CFR § 279.1
- I.** not applicable
 - II.** not applicable
 - III.** not applicable
- 4.b.** Those materials classified as used oil filters were managed as described in section 1.a., and consolidated into containers and shipped to Vortex on August 6th, 2009. With regards to those drums containing oily pigs / oily rags; those materials were processed as used oil on site.

5.

- 5.a.** Both by IPC and by IPC customers
- 5.b.** Due to the absence of proper labels, we were not able to determine the generator of the drums.
- 5.c.** The fourteen (14) containers left open had previously contained oily waste. Having been left open, and exposed to the elements, rain water accumulated in each barrel, creating an oily water mixture.

Six (6) of the 30 gallon drums contained paint wastes, Since the drums were unlabeled we were not able to verify the original generator; and as such, this material was characterized and managed as an IPC generated waste. IPC sent these drums to Veolia Environmental Solutions. (Please refer to manifest no. 00326747 VES)

One (1) 55 gallon drum contained paint cans and rags, and was characterized and managed by Veolia Environmental Solutions. (Please refer to manifest no. 00326747 VES)

It was determined that the remaining three (3) drums (including the "Vilter 717-Oil") contained oily waste and/or oily water and were processed as used oil.

- 5.d.** The fourteen open drums were a result of previously processed used oil drums being left open and accumulating rainwater to generate oily water. Since the drums were not labeled we are unable to determine the generating process for the remaining drums.

5.e. Yes, a total of seven (7) of the drums in question met the criteria for hazardous waste.

- I. The six (6) 30 gallon drums containing paint waste and one (1) 55 gallon drum containing paint waste and absorbents. All remaining drums in question contained used oil as defined by 40 CFR § 279.
- II. IPC has characterized the paint waste drums as a D001 waste

5.f. The paint waste drums were shipped off site on August 18th, 2009 (Please refer to manifest no. 00326747 VES), and the remaining barrels were processed on site on July 28th, 2009 (Please refer to Drum Log dated 07/28/2009)

5.g. Please find manifest no. 00326747 VES, and Drum Log dated 07/28/2009 attached.

6.

6.a. Please see attached document "Parts Cleaner Letter" as well as attached document "DNREC Parts Washer Use Approval"

6.b. IPC maintains a schedule.

6.c. Please see attached document "Parts Cleaner Letter"

6.d. Please see attached document "Parts Cleaner Letter"

6.e. Please see attached document "Parts Cleaner Letter"

⊗ - Show Cause:
did not answer question

7.

7.a. IPC customers.

7.b. Not applicable

7.c.

- I. The drums in question were unlabeled, and as such, the generator name and contact information cannot be determined. IPC assumes generator status for these drums.
- II. The exact date is unknown. The approximate reception date would have been within 2 weeks of the inspection on July 23rd, 2009. Date knowledge is estimated based on last maintenance of the drum pad area.
- III. Please find manifest no. 00326747 VES, and Drum Log dated 07/28/2009 attached.

7.d. The fourteen (14) containers left open had previously contained oily waste. Having been left open, and exposed to the elements, rain water accumulated in each barrel, creating an oily water mixture.

Six (6) of the 30 gallon drums contained paint wastes, and were accumulated, characterized, and managed by Veolia Environmental Solutions. (Please refer to manifest no. 00326747 VES)

One (1) 55 gallon drum contained paint cans and rags, and was characterized and managed by Veolia Environmental Solutions. (Please refer to manifest no. 00326747 VES)

It was determined that the remaining three (3) drums (including the "Vilter 717-Oil") contained oily waste and/or oily water and were processed as used oil.

- 7.e. August 18th, 2009
- 7.f. Please refer to answer "5.e."
- 7.g. The profiles were determined by Veolia Environmental Services, and were based on waste stream knowledge; cans of oil-based (and non hazardous latex) paints and a drum of paint thinner. Both of those are flammable liquids.
- 7.h. IPC had not characterized those materials at the point of inspection on July 23rd, 2009. The materials were shipped off site the same day they were identified as being hazardous wastes. The materials in question would have arrived within two (2) weeks of the July 23rd, 2009 inspection.
- 7.i. August 18th, 2009. Please find manifest no. 00326747 VES attached.

8.

8.a. General Electric
Model# F34CW/RS/WM/ECO
Order Code: 23010

General Electric
Model# F72T/CW/HO
Order Code: 13697

General Electric
Model# F32T8/SP41/ECO
Order Code: 26668

8.b. General Electric
Model# F34CW/RS/WM/ECO
IPC considers this to be Universal Waste - Lamps

General Electric
Model# F72T/CW/HO
IPC considers this to be Universal Waste - Lamps

General Electric
Model# F32T8/SP41/ECO
IPC considers this to be Universal Waste -- Lamps

- I. Fluorescent bulbs are considered Universal Waste -- Lamps. No additional waste determination is necessary.
- II. The attached MSDS (labeled "MSDS Fluorescent Lamps"), knowledge of hazardous characteristics of waste in question (specifically mercury) and the EPA website: <http://www.epa.gov/waste/hazard/wastetypes/universal/lamps/index.htm>
- III. All fluorescent lamps in use at IPC have been deemed Universal Waste -- Lamps.



International Petroleum Corporation
505 South Market Street
Wilmington, DE 19801

TELEPHONE 302-421-9306
FACSIMILE 302-421-9099

8.c. IPC was sold by Siemens Water Technologies in March of 2008 (we were owned by Siemens from 2004 until March of 2008), and as such, any shipments prior to that date reside with Siemens. We cannot locate any shipping documentation between January of 2005 and June 23rd, 2009. Veolia ES has removed all of our used lamps since 06/23/2009. (Please refer to manifest# ZZ 00226208)

8.d. Veolia ES has removed all of our used lamps since 06/23/2009. (Please refer to manifest# ZZ 00226208)

8.e. Please find attached manifest# ZZ 00226208

9. Please find attached all hazardous waste manifests form 2005 to present.

10. Please note, the original LDR for manifest 000130558VES dated 1/16/2009 was misfiled at the time of inspection. Please find attached all LDRs from 2005 to present.

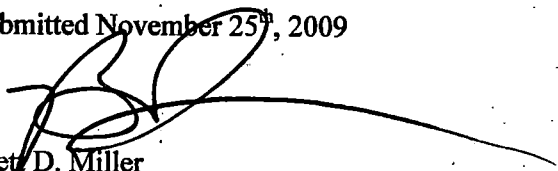
11. The inventory of emergency equipment inventory and their respective capabilities was misfiled at the time of inspection. The document attached is on file with DNREC and local agencies, and has been since 2006. Please see attached document labeled "Emergency Equipment Capabilities"

12. Vinnie Glorioso
1105 North Point Blvd., STE 310
Baltimore, MD 21224
(410) 284-1717 x236 phone

Mr. Vinnie Glorioso (contact information above) is the EH&S Manager for our branch, and as such is responsible for providing initial, annual, and ongoing hazardous material training. Please find attached Mr. Glorioso's credentials.

Mr. Tim Ford is responsible for hazardous waste awareness training on site, which is one of our company's monthly training topics.

Submitted November 25th, 2009



Bret D. Miller
Facilities Manager